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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,413	10/25/2004	Seiji Kagawa	KAGAWA1	6666

1444 7590 01/11/2007
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

O HERN, BRENT T

ART UNIT	PAPER NUMBER
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1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/512,413

Applicant(s)

KAGAWA ET AL.

Examiner

Brent T. O'Hern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-35 and 38-72 is/are pending in the application.
- 4a) Of the above claim(s) 11-35, 38-62, 64 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-35 and 38-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 1-8, 11-35, and 38-72 are pending with claims 9-10 and 36-37 cancelled and claims 1-8, 63 and 66-72 elected.

WITHDRAWN REJECTIONS

2. The 35 U.S.C. 112, second paragraph rejections of claims 1-8 and 63 of record in the Office Action mailed 21 July 2006, page 2, paragraph 2 have been withdrawn due to Applicant's amendments in the Paper filed 21 November 2006.
3. The 35 U.S.C. 102 (b) rejections of claims 1 and 6-8 as being anticipated by Littmann et al. (US 5,512,337) of record in the Office Action mailed 21 July 2006, page 2, paragraph 3 have been withdrawn due to Applicant's amendments in the Paper filed 21 November 2006.
4. The 35 U.S.C. 102 (b) rejections of claims 1 and 7-8 as being anticipated by Kai (US 4,543,279) of record in the Office Action mailed 21 July 2006, page 3, paragraph 4 have been withdrawn due to Applicant's amendments in the Paper filed 21 November 2006.
5. The 35 U.S.C. 103(a) rejections of claims 2-5 and 63 as being unpatentable over Littmann et al. (US 5,512,337) in view of Kai (US 4,543,279) of record in the Office Action mailed 21 July 2006, page 4, paragraph 5 have been withdrawn due to Applicant's amendments in the Paper filed 21 November 2006.

NEW REJECTIONS

6. Claims 1, 6-8 and 66-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Littmann et al. (US 5,512,337).

Regarding claims 1 and 66-72, Littmann ('337) teaches a tearable thermoplastic resin film (*col. 6, ll. 53-67 and l. 5*) having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film (*See col. 7, ll. 59-64 and FIG-1 wherein scratches #30 repeat.*), wherein the scratches extend the entire length of the film and are evenly spaced apart from each other over the entire width of the film (*See col. 7, ll. 59-64 and FIG-1 wherein scratches #30 are evenly spaced and are over the entire width of the film.*).

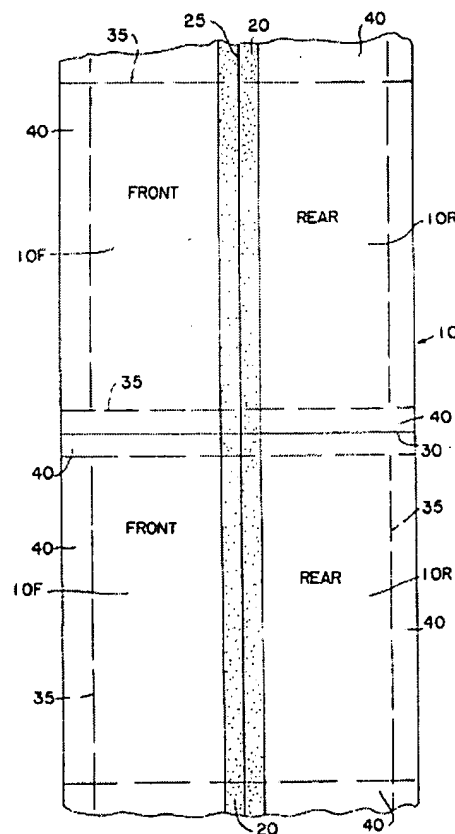


FIG. 1

The phrase “**wherein said linear scratches enable tearing the film substantially straight from any point along any of said plurality of linear scratches**” in claim 1, lines 7-9 is not given any patentable weight since the applicant is introducing **use limitations** into the product claims (*see MPEP 2173 (q)*).

The phrases “wherein said film is produced by a method for forming said substantially parallel linear scratches on a thermoplastic resin film, comprising the steps of: bringing said film into sliding contact with a roll or plate having a plurality of hard fine particles on the surface thereof, and pressing said film onto said roll or plate by film-pressing apparatus” in claim 66, line 2-10, “wherein said fine particles have a Mohs' hardness of 5 or more” in claim 67, lines 2-3, “wherein said fine particles are fine diamond particles” in claim 68, lines 2-3, “wherein said film- pressing apparatus is an air-blowing device” in claim 69 lines 2-3, “wherein the pressure of an airflow blown onto said film by the air-blowing device is 0.05 to 5 kgf/cm²” in claim 70, lines 2-4, “wherein air is blown from a blower or a nozzle of the air-blowing device” in claim 71, lines 2-3 and “wherein said film- pressing apparatus is a brush brought into sliding contact with said film” in claim 72, lines 2-4 are **process limitations** in product claims and hence not given any patentable weight since patentability of a product does not depend on its method of production (*see MPEP § 2173.05(p)*).

Regarding claim 6, Littmann ('337) teaches a film further having a multiplicity of uniformly located fine penetrating and/or non-penetrating pores (*col. 5, l. 56 – col. 6, l. 7*).

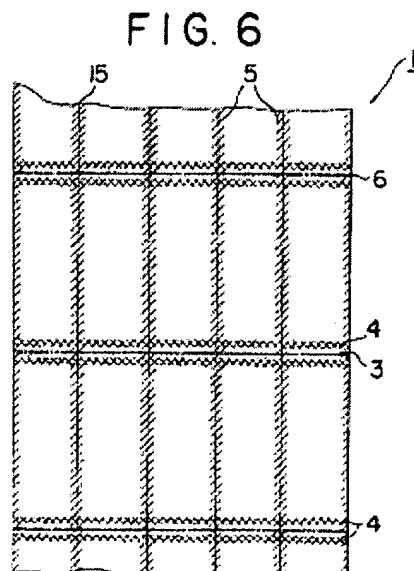
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Regarding claim 7, Littmann ('337) teaches a film wherein the film is a single-layer film or a laminate film (*col. 6, ll. 53-57*).

Regarding claim 8, Littmann ('337) teaches a film wherein the laminate film comprises at least one film layer having the linear scratches, and a sealant film layer (*col. 5, ll. 56 to col. 6, l. 7 and col. 6, ll. 53-57*).

7. Claims 1, 7-8 and 66-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Kai (US 4,543,279).

Regarding claims 1 and 66-72, Kai ('279) teaches a tearable thermoplastic resin film (*col. 3, ll. 20-28*) having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film (*col.5, ll. 51-52 and FIG-6, #3*), wherein the scratches extend the entire length of the film and are evenly spaced apart from each other over the entire width of the film (*See FIG-6, wherein #3 extend the entire length and are evenly spaced.*).



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Regarding claim 7, Kai ('279) teaches a film wherein the film is a single-layer film or a laminate film (*col. 3, ll. 21-28*).

Regarding claim 8, Kai ('279) teaches a film wherein the laminate film comprises at least one film layer having the linear scratches, and a sealant film layer (*See col. 3, ll. 21-28 wherein the additional layer of the laminate is interpreted as being the sealant layer.*).

ANSWERS TO APPLICANT'S ARGUMENTS

8. In response to Applicant's argument (*p. 25, para. 4 to p. 29, para. 1 of Applicant's Paper filed 21 November 2006*) that Littmann ('337) and Kai ('279) do not teach the amended claims and new claims 66-72, it is noted that Littmann ('337), as discussed above, teaches a tearable thermoplastic resin film (*col. 6, ll. 53-67 and l. 5*) having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film (*See col. 7, ll. 59-64 and FIG-1 wherein scratches #30 repeat.*), wherein the scratches extend the entire length of the film and are evenly spaced apart from each other over the entire width of the film (*See col. 7, ll. 59-64 and FIG-1 wherein scratches #30 are evenly spaced and are over the entire width of the film.*).

Furthermore, as discussed above, Kai ('279) teaches a tearable thermoplastic resin film (*col. 3, ll. 20-28*) having a plurality of substantially parallel spaced apart linear scratches formed on one surface of the film (*col. 5, ll. 51-52 and FIG-6, #3*), wherein the scratches extend the entire length of the film and are evenly spaced apart from each other over the entire width of the film (*See FIG-6, wherein #3 extend the entire length and are evenly spaced.*).

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

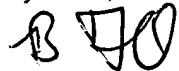
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brent T O'Hern
Examiner
Art Unit 1772
January 1, 2007


NASSER AHMAD
PRIMARY EXAMINER 1/2/07